UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/639
5 December 1995
ENGLISH
ORIGINAL: ARABIC

Fiftieth session
Agenda item 142

ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT

Report of the Sixth Committee

Rapporteur: Mr. Walid OBEIDAT (Jordan)

I. INTRODUCTION

1. The item entitled "Establishment of an international criminal court" was included in the provisional agenda of the fiftieth session of the General Assembly pursuant to General Assembly resolution 49/53 of 9 December 1994.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, 1/ which had held two sessions in 1995 pursuant to General Assembly resolution 49/53. The report of the Ad Hoc Committee was introduced by its Chairman, Mr. Adriaan Bos (Netherlands).

4. The Sixth Committee considered the item at its 25th to 31st meetings, on 30 and 31 October and 1, 2, 3 and 6 November, and at its 46th meeting, on 29 November 1995. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/50/SR.25-31 and 46).

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 22 (A/50/22).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/50/L.14

5. At the 46th meeting, on 29 November, the Chairman of the Committee introduced a draft resolution proposed by him, entitled "Establishment of an international criminal court" (A/C.6/50/L.14).

6. The Committee also had before it a statement by the Secretary-General (A/C.6/50/L.16) on the programme budget implications of the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/50/L.14 by consensus (see para. 9).

8. The representatives of Mexico and China made statements on the draft resolution (see A/C.6/50/SR.46).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court, with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Recalling further that the International Law Commission adopted a draft statute for an international criminal court 2/ at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court, 3/

Recalling its resolution 49/53 of 9 December 1994, in which it decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the

---

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

3/ Ibid., para. 90.

International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries,

Noting that the Ad Hoc Committee on the Establishment of an International Criminal Court has made considerable progress during its sessions on the review of the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission,

Noting also that the States participating in the Ad Hoc Committee still have different views on major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and that, therefore, further discussions are needed for reaching consensus on the above issues in the future,

Noting further that the Ad Hoc Committee is of the opinion that issues can be addressed most effectively by combining further discussions with the drafting of texts, with a view to preparing a consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries,

Noting that the Ad Hoc Committee recommends that the General Assembly take up the organization of future work with a view to its early completion, given the interest of the international community in the establishment of an international criminal court,

Noting also that the Ad Hoc Committee encourages participation by the largest number of States in its future work in order to promote universality,

Expressing deep appreciation for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court,

1. Takes note of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, 4/ including the recommendations contained therein, and expresses its appreciation to the Ad Hoc Committee for the useful work done;

2. Decides to establish a preparatory committee open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decides that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by

---

4/ Ibid., Fifteth Session, Supplement No. 22 (A/50/22).

States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53 5/ and, as appropriate, contributions of relevant organizations;

3. Also decides that the Preparatory Committee will meet from 25 March to 12 April and from 12 to 30 August 1996 and submit its report to the General Assembly at the beginning of its fifty-first session, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

4. Urges participation in the Preparatory Committee by the largest number of States in order to promote universal support for an international criminal court;

5. Decides to include in the provisional agenda of its fifty-first session an item entitled "Establishment of an international criminal court", in order to study the report of the Preparatory Committee and, in the light of that report, to decide on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and the duration of the conference.

5/ A/AC.244/1 and Add.1-3.